

11 CV 56805

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Covington & Burling LLP, 620 Eighth Avenue
New York, New York 10018; (212) 841-1000 [For Appellant]

ATTORNEYS (IF KNOWN)

Baker & Hostetler LLP, 45 Rockefeller Plaza
New York, New York 10111 [For Trustee]CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 158; Appeal of an Order Granting Trustee's Motion to Affirm Trustee's Determinations Denying Claims

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-1789 #422

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT		PERSONAL INJURY						
	[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	X [] 422 APPEAL	[] 400 STATE		
	[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT		
	[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG	[] 423 WITHDRAWAL	[] 410 ANTI-TRUST		
	[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING		
	INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF		[] 450 COMMERCE		
	[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[] 460 DEPORTATION		
	OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-		
	ENFORCEMENT OF	LIABILITY		[] 640 RR & TRUCK	[] 820 COPYRIGHTS	ENCED & CORRUPT		
	JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 650 AIRLINE REGS	[] 830 PATENT	ORGANIZATION ACT		
	[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 660 OCCUPATIONAL	[] 840 TRADEMARK	(RICO)		
	[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	SAFETY/HEALTH		[] 480 CONSUMER CREDIT		
	DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	OTHER		[] 490 CABLE/SATELLITE TV		
	STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL	LABOR		[] 810 SELECTIVE SERVICE		
	(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE			[] 850 SECURITIES/		
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	[] 710 FAIR LABOR		COMMODITIES/			
OVERPAYMENT OF	INJURY		STANDARDS ACT		EXCHANGE			
VETERAN'S BENEFITS			[] 720 LABOR/MGMT		[] 875 CUSTOMER			
[] 160 STOCKHOLDERS SUITS			RELATIONS		CHALLENGE			
[] 190 OTHER CONTRACT			[] 730 LABOR/MGMT		12 USC 3410			
[] 195 CONTRACT PRODUCT			REPORTING &		[] 890 OTHER STATUTORY			
LIABILITY			DISCLOSURE ACT		ACTIONS			
[] 196 FRANCHISE			[] 740 RAILWAY LABOR ACT		[] 891 AGRICULTURAL ACTS			
			[] 790 OTHER LABOR		ECONOMIC			
			LITIGATION		STABILIZATION ACT			
			[] 791 EMPL RET INC		[] 893 ENVIRONMENTAL			
			SECURITY ACT		MATTERS			
					[] 894 ENERGY			
					ALLOCATION ACT			
					[] 895 FREEDOM OF			
					INFORMATION ACT			
					[] 900 APPEAL OF FEE			
					DETERMINATION			
					UNDER EQUAL ACCESS			
					TO JUSTICE			
					[] 950 CONSTITUTIONALITY			
					OF STATE STATUTES			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Cote _____ DOCKET NUMBER 11-cv-5683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant:
Mel Enterprises Ltd.
c/o George Kikizas, Vionos 1,
10443 Athens
Greece

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee:
Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, New York 10111
New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 7/12/2011 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # 187161

Susan Power

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. 04 Yr. 1980)
Attorney Bar Code #SJ 9386

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)